



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 26, 2015
System No.: 2400175

Mr. Chris Rufer, Owner
The Morning Star Packing Company
724 Main Street
Woodland, CA 95695

RE: Compliance Order No. 03-11-15R-007 Violation of Title 22, California Code of Regulations, Section 64431, Hexavalent Chromium MCL

Dear Mr. Harter:

The State Water Resources Control Board – Division of Drinking Water (Division) has issued Compliance Order No. 03-11-15R-007 to the Morning Star Packing Company (Company) Water System, for violation of the Hexavalent Chromium Maximum Contaminant Level (MCL). The compliance order is enclosed.

As required in the Compliance Order, the Company is expected to propose a solution and implement a project to ensure that water delivered to customers meets the hexavalent chromium MCL. The Company is required to provide quarterly public notification for the hexavalent chromium MCL violation and to continue quarterly hexavalent chromium monitoring.

The Company will be billed at the Division's hourly rate (currently estimated at \$128.00) for the time spent on issuing this Compliance Order. The California Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation.

The Company will receive a bill sent from the Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Company for the current fiscal year. If you have any questions regarding this matter, please contact me at (559) 447-3316.

Sincerely,

Kassy D. Chauhan, P.E.
Senior Sanitary Engineer
Merced District
Division of Drinking Water

CLC/KDC/mlm
Enclosures

cc: Merced County Environmental Health Department (no attachments)
Tod Harter, 12045 S. Ingomar Grade Road, Los Banos, CA 93635

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

IN RE: **THE MORNING STAR PACKING COMPANY**
Water System No. 2400175

TO: Mr. Chris Rufer
Owner
724 Main Street
Woodland, CA 95695

CC: Merced County Environmental Health Department (no attachments)
Tod Harter, Process Dev/Food Tech, 12045 S. Ingomar Grade Road, Los
Banos, CA 93635

**COMPLIANCE ORDER FOR VIOLATION
OF CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64431
HEXAVALENT CHROMIUM MCL VIOLATION**

Issued on May 26, 2015

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the

1 Division (hereinafter "Deputy Director"), hereby issues a compliance order to the
2 Morning Star Packing Company (hereinafter "Company") (12045 S. Ingomar Grade
3 Road, Los Banos, CA, 93635) for violation of California Code of Regulations (CCR),
4 Title 22, Section 64431.

5 6 **APPLICABLE AUTHORITIES**

7 The applicable statutes and regulations are provided in Attachment A, attached hereto
8 and incorporated by reference.
9

10 11 **STATEMENT OF FACTS**

12 The Morning Star Packing Company is a nontransient-noncommunity water system
13 located in Merced County. The Company serves water to a population of approximately
14 500 through one (1) service connection. The Company uses groundwater obtained
15 from five wells (Wells No. 1, 2, 3, 4 and 5). Prior to April 1, 2014, jurisdiction for the
16 regulatory oversight of the water system was maintained by the Merced County
17 Environmental Health Department (hereinafter "County"). Effective April 1, 2014,
18 jurisdiction for regulatory oversight of the water system was transferred to the Division.
19

20
21 On July 1, 2014, the State of California adopted a maximum contaminant level (MCL)
22 for hexavalent chromium of 0.010 mg/L (milligrams per liter). As a nontransient-
23 noncommunity water system, the Company is required to comply with the new MCL and
24 initiate monitoring for hexavalent chromium within six months of the adoption date.
25
26
27

On March 17, 2015, the Division issued a monitoring and reporting violation (EL No. 03-11-15E-045) to the Company for failure to conduct the initial hexavalent chromium monitoring requirement between July 1, 2014, and January 1, 2015. In February 2015, the Company conducted the initial hexavalent chromium monitoring for Wells Nos. 1, 2, 3, 4, and 5. The Company reported hexavalent chromium results for Wells Nos. 1 and 3 as non-detect. The other three wells (Wells Nos. 2, 4 and 5) had hexavalent chromium results that failed to meet the MCL of 0.010 mg/l and consequently were required to be monitored on a quarterly basis. Section 64431(i) provides that compliance with the hexavalent chromium MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Further, Section 64431(i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation."

Based on the most recent quarterly hexavalent chromium results collected on April 14, 2015, two wells (Wells Nos. 2 and 4) were showing a RAA that exceeded the hexavalent chromium MCL. The quarterly hexavalent chromium analysis results from first quarter of 2015 and second quarter of 2015 along with the calculated running annual average are shown in the table below:

Table 1: Hexavalent Chromium Analysis Results and RAA

Well	Well ID	1st Qtr 2015	2nd Qtr 2015	RAA, mg/l
Well 2	2400175-002	0.026	0.024	0.013
Well 4	2400175-013	0.020	0.022	0.011
Well 5	2400175-014	0.015	0.014	0.007

DETERMINATIONS

Based on the above Statement of Facts, the Division has determined that the Company has violated provisions contained in Title 22, California Code of Regulations (CCR) Section 64431 (a). Specifically, the water produced by the Company's Wells Nos. 2 and 4 exceeds the maximum contaminant level of 0.010 mg/L for hexavalent chromium, and therefore, does not comply with a primary drinking water standard.

DIRECTIVES

The Morning Star Packing Company is hereby directed to take the following actions:

1. On or before June 20, 2015, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
2. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment B, hereto, of Company's failure to meet the hexavalent chromium MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.
3. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with Directive No. 2, herein above, within 10 days following each such notification, using the form provided as Attachment C, hereto.
4. Commencing on the date of service of this Order continue to collect quarterly samples for hexavalent chromium from each well (Wells Nos. 2, 4, and 5), as

1 required by Section 64432(g), and ensure that the analytical results are reported
2 to the Division electronically by the analyzing laboratory no later than the 10th day
3 following the month in which the analysis was completed.
4

- 5 5. Prepare for the Division's approval a Corrective Action Plan identifying
6 improvements to the water system designed to correct the water quality problem
7 (violation of the hexavalent chromium MCL) and ensure that the Company
8 delivers water to consumers that meets primary drinking water standards. The
9 plan shall include a time schedule for completion of each of the phases of the
10 project such as design, construction, and startup, and a date as of which the
11 Company will be in compliance with the hexavalent chromium MCL.
12
- 13 6. On or before August 31, 2015, present the Corrective Action Plan required under
14 Directive No. 5, above, to the Division.
15
- 16 7. Timely perform the Division-approved Corrective Action Plan and each and every
17 element of said plan according to the time schedule set forth therein.
18
- 19 8. On or before December 31, 2015, and every three months thereafter, submit a
20 report to the Division in the form provided as Attachment D, hereto, showing
21 actions taken during the previous calendar three months to comply with the
22 Corrective Action Plan.
23
- 24 9. Not later than ten (10) days following the date of compliance with the hexavalent
25 chromium MCL, demonstrate to the Division that the water delivered by
26 Company complies with the hexavalent chromium MCL.
27

1 10. Notify the Division in writing no later than five (5) days prior to the deadline for
2 performance of any Directive set forth herein if the Company anticipates it will not
3 timely meet such performance deadline.

4
5 All submittals required by this Order shall be addressed to:

6 Kassy D. Chauhan, P.E.
7 Senior Sanitary Engineer, Merced District
8 State Water Resources Control Board
9 Division of Drinking Water
10 265 W. Bullard Avenue, Suite 101
11 Fresno, CA 93704
12

13
14 As used in this Order, the date of issuance shall be the date of this Order; and the date
15 of service shall be the date of service of this Order, personal or by certified mail, on the
16 Company.

17
18 The Division reserves the right to make such modifications to this Order and/or to issue
19 such further order(s) as it may deem necessary to protect public health and safety.
20 Such modifications may be issued as amendments to this Order and shall be deemed
21 effective upon issuance.
22

23
24 Nothing in this Order relieves the Company of its obligation to meet the requirements of
25 the California SDWA, or any regulation, standard, permit or order issued thereunder.
26
27

1 **PARTIES BOUND**

2 This Order shall apply to and be binding upon the Morning Star Packing Company, its
3 officers, directors, agents, employees, contractors, successors, and assignees.
4


5 **SEVERABILITY**

6 The requirements of this Order are severable, and the Morning Star Packing Company
7 shall comply with each and every provision thereof notwithstanding the effectiveness of
8 any provisions.
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1 **FURTHER ENFORCEMENT ACTION**

2 The California SDWA authorizes the Division to issue citations and compliance orders
3 with assessment of administrative penalties to a public water system for violation or
4 continued violation of the requirements of the California SDWA or any permit,
5 regulation, permit or order issued or adopted thereunder including, but not limited to,
6 failure to correct a violation identified in a citation or compliance order. The California
7 SDWA also authorizes the Division to take action to suspend or revoke a permit that
8 has been issued to a public water system if the system has violated applicable law or
9 regulations or has failed to comply with an order of the Division; and to petition the
10 superior court to take various enforcement measures against a public water system that
11 has failed to comply with an order of the Division. The Division does not waive any
12 further enforcement action by issuance of this compliance order.
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14
15
16

17 5-26-2015
18 Date

17 
18 Carl L. Carlucci, P.E. Chief
19 Central California Section
20 State Water Resources Control Board
21 Division of Drinking Water

22 Certified Mail No.: [7014 3490 0001 7868 9610]
23 CLC/KDC/mlm

24 **Attachments:**

25 Attachment A: Applicable Authorities
26 Attachment B: Public Notification Notice
27 Attachment C: Proof of Notification Form
Attachment D: Quarterly Progress Report Form



Applicable Statutes and Regulations for Citation No. 03-11-15R-007

Section 116655 of the CHSC states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Section 64431 of Title 22, California Code of Regulations (CCR) states in relevant part:

§64431. Maximum Contaminant Levels-Inorganic Chemicals.

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Section 64463.4 of Title 22, California Code of Regulations (CCR) states in relevant part:
§64463.4. Tier 2 Public Notice.

- (a) A water system shall give public notice pursuant to this section if any of the following occurs:
 - (1) Any violation of the MCL, MRDL, and treatment technique requirements, except:
 - (A) Where a Tier 1 public notice is required under section 64463.1; or
 - (B) Where the Department determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;
 -
 - (3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the Department determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations; or
 - (4) Failure to comply with the terms and conditions of any variance or exemption in place.
- (b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:
 - (1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;
 - (2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the Department's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and
 -
- (c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:
 - (1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by:
 - (A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and
 - (B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):
 - 1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or
 3. Delivery to community organizations.
- (2) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:
- (A) Posting in conspicuous locations throughout the area served by the water system; and
 - (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:
 1. Publication in a local newspaper or newsletter distributed to customers;
 2. E-mail message to employees or students;
 3. Posting on the Internet or intranet; or
 4. Direct delivery to each customer.

Section 64465. of Title 22, California Code of Regulations (CCR) states in relevant part:

§64465. Public Notice Content and Format.

- (a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:
- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
 - (2) The date(s) of the violation or occurrence;
 - (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
 - (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
 - (5) Whether alternative water supplies should be used;
 - (6) What actions consumers should take, including when they should seek medical help, if known;
 - (7) What the water system is doing to correct the violation or occurrence;
 - (8) When the water system expects to return to compliance or resolve the occurrence;
 - (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
 - (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail"; and
 - (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete all monitoring or testing'] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time."

.....

- (c) Each public notice given pursuant to this article shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish. For each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice shall:
 - (1) Contain information in the appropriate language(s) regarding the importance of the notice, or
 - (2) Contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.
- (d) Each public notice given pursuant to this article shall:
 - (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
 - (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
 - (3) Not contain language that minimizes or contradicts the information being given in the public notice.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

The Morning Star Packing Co. Has Levels of Hexavalent Chromium Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on April 2015 showed Hexavalent Chromium levels of 15 to 26 parts per billion (ppb). This is above the standard or maximum contaminant level (MCL), of 10 ppb.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, some people who drink water containing hexavalent chromium in excess of the MCL over many years may have an increased risk of getting cancer.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

The Company is currently looking into treatment methods and alternative sources. We anticipate resolving the problem within a timely manner.

For more information, please contact Todd Harter at (209) 827-5002.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

INFORMACIÓN IMPORTANTE ACERCA DE SU AGUA POTABLE**The Morning Star Packing Company tiene altos niveles de cromo hexavalente**

Nuestro sistema de abastecimiento de agua recientemente no cumplió con un estándar para agua potable. Aunque esto no es una emergencia, como nuestros clientes, usted tiene el derecho de saber qué es lo que debe hacer, que ha ocurrido, y que estamos haciendo para corregir esta situación.

Periódicamente tomamos muestras para ver si los contaminantes están presentes en su agua potable. Durante el mes de April 2015 los resultados de las muestras de los pozos mostraron niveles de cromo hexavalente 15 a 26 partes por mil millones (ppb). Este nivel excede el estándar o nivel máximo de contaminante (MCL) de 10 ppb (partes por mil millones).

¿Qué debo hacer?

- **No es necesario usar una fuente alternativa de agua (por ejemplo, agua embotellada).**
- Este no es un riesgo inmediato. Si se hubiera hecho, se habría sido notificado inmediatamente. Sin embargo, algunas personas que beben agua que contiene cromo hexavalente en exceso del MCL durante muchos años pueden tener un riesgo de contraer cáncer.
- Si usted tiene otros problemas de salud relacionados con el consumo de esta agua, puede consultar con su médico.

¿Qué ha sucedido? ¿Qué se está haciendo?

La Company está estudiando métodos de tratamiento y otras fuentes. Esperamos darles aviso periódicamente tocante el progreso de esta situación.

Para más información, favor de contactar Todd Harter al (209) 829-5002 o a la siguiente dirección: 12045 S. Ingomar Grade Road Los Banos CA 93635.

Por favor comparta esta información con todas las demás personas que beben esta agua, especialmente aquellos que no han recibido este aviso directamente (por ejemplo, las personas en apartamentos, residencias de ancianos, escuelas y empresas). Usted puede hacer esto al enviar este anuncio público en un lugar público o distribuir copias a mano o por correo.

Esta aviso ha sido enviado de parte de la Ciudad de Los Banos.

Fecha/Date: _____

Certification of Completion of Public Notification

This form, when completed and returned to the Division of Drinking Water - Merced District (265 W. Bullard Ave. #101, Fresno, CA 93704 or fax to 559-447-3304), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public Water System Name: _____

Public Water System No.: _____

Public notification for **failure to comply with the Hexavalent Chromium MCL for the** quarter
of 20 _____ was performed by the following method(s) (check and complete those that apply):

The notice was mailed to users on: _____

A copy of the notice is attached.

The notice was hand delivered to water customers on: _____

A copy of the notice is attached.

The notice was published in the local newspaper on: _____

A copy of the newspaper notice is attached.

The notice was published in conspicuous places on: _____

A copy of the notice is attached.

A list of locations the notice was posted is attached.

The notice was delivered to community organizations on: _____

A copy of the notice is attached.

A list of community organizations the notice was delivered to is attached.

I hereby certify that the above information is factual.

Printed Name

Title

Signature

Date

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation each day that the violation continues. In addition, the violators may be prosecuted in criminal court and, upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Division of Drinking Water within 10 days of issuance of notice to customers

System Number: _____

Enforcement Action No. _____

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Fresno District Office.

Summary of Compliance Plan:

--

Tasks completed in the reporting quarter:

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Tasks remaining to complete:

--

Anticipate compliance date:

--

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Name

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Signature

--

Title

--

Date